

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VERNA IP HOLDINGS, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:23-cv-00373-ADA
v.)	
)	
ALERT MEDIA, INC.)	JURY TRIAL DEMANDED
Defendant.)	

**PLAINTIFF’S FIRST AMENDED ANSWER TO COUNTERCLAIMS AND ANSWERS
TO THIRD-PARTY COMPLAINT**

Comes now, Verna IP Holdings, LLC of New Mexico (“VernaIP (NM)”) and Verna IP Holdings, LLC of Texas (“VernaIP (TX)”) and file this joint First Amended Answer, showing the Court that Alert is not entitled to any relief:¹

PARTIES

1. Admit.²
2. Admit, however, Verna IP Holdings, LLC of New Mexico (“VernaIP (NM)”) was dissolved on October 18, 2023.³ It is noteworthy that Defendant has opposed substituting VernaIP (TX) for VernaIP (NM) but now sues VernaIP (TX) through a third-party complaint. For ease of the Court and the parties, VernaIP (TX) is answering jointly with VernaIP (NM).
3. Admit.
4. Deny.

¹ The paragraph numbering of this First Amended Answer corresponds to the paragraph numbers in Alert’s Amended Answer of Doc. No. 24.

² This First Amended Answer is filed jointly on behalf Vern IP Holdings, LLC of Texas (“VernaIP (TX)”) and Verna IP Holdings, LLC of New Mexico, collectively referred to as (“VernaIP”).

³ Ex. A, October 18, 2023, Certificate of Dissolution.

- 5. Deny.
- 6. Admit.

BACKGROUND FACTS

- 7. Deny.
- 8. Deny.
- 9. Deny.
- 10. Admit.
- 11. Admit.
- 12. Admit.
- 13. Deny.
- 14. Deny.
- 15. Deny
- 16. Deny.
- 17. Admit that William P. Ramey, III, as a lawyer representing VernalP (NM) filed the Third Lawsuit.
- 18. Admit.
- 19. Deny to the extent that the liability of the judgment transferred to VernalP (TX) as explained to David Conrad.
- 20. Admit.
- 21. Deny.
- 22. Admit.

23. Admit.

24. Admit.

25. Admit.

26. Deny.

27. Deny.

28. Deny.

29. Admit.

30. Deny.

31. Deny.

32. Deny.

33. Admit.

34. Admit.

35. Admit.

36. Deny.

37. Admit.

38. Deny.

39. Deny to the extent that Luis Ortiz and Kermit Lopez are managing members of VernalP

(TX) and any actions taken are on behalf and through VernalP (TX).

40. Deny.

41. Deny.

42. Deny.

43. Deny.

44. Deny.

45. Deny.

46. Deny.

47. Deny.

48. Deny.

49. Deny.

50. Deny.

51. Deny.

52. Deny.

53. Deny.

54. Deny.

JURISDICTION

55. No response is necessary.

56. Admit.

57. Admit.

58. Deny.

59. Admit.

COUNT I: DECLARATION REGARDING NON-INFRINGEMENT

60. No response is necessary.

61. Admitted to the extent that an actual controversy exists between the parties.

62. Deny.

63. Deny.

64. Deny.

COUNT II: DECLARATION REGARDING INVALIDITY

65. No response is necessary.

66. Admitted to the extent that an actual controversy exists between the parties.

67. Deny.

68. Deny.

69. VernaIP (NM) and VernaIP (TX) deny that Alert is entitled to any relief it seeks in the Prayer for Relief.

AFFIRMATIVE DEFENSES

70. VernaIP alleges and asserts the following defenses and affirmative defenses in response to the allegations in the Complaint. Regardless of how such defenses are listed herein, Verna undertakes the burden of proof only as to those defenses that are deemed affirmative defenses as a matter of law. In addition to the defenses described below, Verna reserves all rights to amend or supplement these defenses as additional facts become known.

71. Defendant has failed to allege how the patent is invalid;

72. Defendant has failed to allege how it is entitled to relief under Rule 11 or §1927; and,

73. Defendant has failed to allege how it is entitled to relief under 35 USC § 285.

74. Defendant has failed to allege any cognizable cause of action against Ortiz, Lopez or Ramey, under fraud or otherwise.

PRAYER FOR RELIEF

75. VernaIP denies that Alert Media is entitled to any relief it seeks in its Prayer.

Respectfully Submitted

Ramey LLP

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and VernaIP Holdings, LLC of New Mexico*

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of May 14, 2024, with a copy of the foregoing via e-mail.

/s/ William P. Ramey, III
William P. Ramey, III